ADUR DISTRICT COUNCIL

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PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/0970/23

Details of Development
DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A 4-BEDROOM DETACHED DWELLING OVER 3 LEVELS WITH REAR TERRACE AND ASSOCIATED WORKS. NEW OUTBUILDING WITH RAISED TERRACE TO THE SOUTH. NEW DETACHED GARAGE WITH GUEST BEDROOM OVER AND CYCLE STORE TO THE NORTH. APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF PREVIOUSLY APPROVED AWDM/0923/21. AMENDMENTS: INCREASE IN HEIGHT OF HOUSE BY 0.85M, ADDITION OF LIGHTWELLS TO FRONT. INCREASE IN HEIGHT TO GARAGE BLOCK BY 0.37M; ADDITION OF CLADDING TO GARDEN ROOM

Location of Development
FORMER 42 BRIGHTON ROAD LANCING WEST SUSSEX BN15 8ET

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the above development, in accordance with the application and relevant correspondence registered on 14th August 2023.

This is for reasons stated on the schedule overleaf and subject to compliance with the conditions specified thereon.

G Peck

Gary Peck
Planning Services Manager
04/09/2024

SCHEDULE

Conditions

01. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

Reference/Drawing Number	Version	Date Rec
PROPOSED GA HOUSE FF PLAN	A2-03 P	21.06.2024
PROPOSED GA HOUSE ELEVATIONS	A4-01 K	21.06.2024
PROPOSED PRIVACY SCREEN	SK-17	16.11.2023
PROPOSED GA HOUSE LGF PLAN	A2-01 L	14.08.2023
PROPOSED GA HOUSE GF PLAN	A2-02 J	14.08.2023
PROPOSED GARDEN ROOM GA ELEVATIONS	A4-02 C	14.08.2023
PROPOSED GA GARAGE BLOCK ELEVATIONS	A4-03 D	05.09.2023

Reason: *For the avoidance of doubt and in the interests of proper planning.*

02. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: *To provide car-parking space for the use having regard to policy 28 of the Adur Local Plan.*

03. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: *To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.*

04. No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: *To provide sustainable travel options in accordance with current sustainable transport policies.*

05. The building shall not be occupied until the complete surface water drainage system approved under application reference AWDM/0776/22 has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: *To ensure adequate drainage and to comply with the National Planning Policy Framework and policy 36 of the Adur Local Plan.*

06. The Construction Management Plan approved under application reference AWDM/0304/22 shall be adhered to throughout the construction period.

Reason: *In the interests of highway safety and amenity having regard to policies 28 and 34 of the Adur Local Plan.*

07. The development shall be carried out in accordance with the Flood Risk Assessment (ref: Flood Risk Assessment Prepared by Ambiental 42 Brighton Road, Lancing, BN15 8JB July 2021 6339) approved under application reference AWDM/0923/21 and the following mitigation measures it details:-

Sleeping accommodation is to be located on the ground floor and above.
These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.
The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: *To reduce the risk of flooding to the proposed development and future occupants having regard to the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and policy 36 of the Adur Local Plan.*

08. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, as amended, (or any order revoking and re-enacting that Order with or without modification), the dwelling shall not be extended or altered by means of any development as set out within Classes A, AA and B of Part 1 of the Schedule to that Order.

Reason: *In the interests of amenity and the environment having regard to the nature of the site and policy 15 of the Adur Local Plan.*

09. Privacy screens shall be erected to the sides of the proposed terraces in accordance with the approved details prior to commencement of use of the terraces and shall thereafter be retained.

Reason: *To prevent overlooking and to comply with policy 15 of the Adur Local Plan.*

10. The windows in the side elevations of the dwelling hereby approved shall at all times be obscure-glazed and non-opening (except that part which is above 1.7 metres above the floor of the room in which the window is installed) and they shall not subsequently be altered in any way.

Reason: *To prevent overlooking and to comply with policy 15 of the Adur Local Plan.*

11. The guest accommodation applied for shall not be occupied unless and until an acoustic assessment has been submitted to and agreed by the Local Planning Authority in respect of the exact noise exposure of the dwelling to traffic noise and an allied scheme prepared to protect the habitable rooms from excess noise in relation to British Standard BS 8233: 2014: Guidance. Any acoustic scheme shall include mechanical MVHR ventilation. The approved assessment and mitigation scheme shall be implemented prior to first occupation of the dwelling and retained thereafter.

    Reason: *To protect future residents form excess traffic noise from Brighton Road in accordance with the National Planning Policy Framework and policy 34 of the Adur Local Plan.*

12. The development hereby permitted shall be carried out in full accordance with the Energy Statement and Water Efficiency Calculations received 15th December 2021 and such approved measures shall be retained thereafter and maintained in accordance with the manufacturer's instructions.

    Reason: *To ensure that the development is sustainable and to optimize the potential for energy efficiency, low carbon and renewable energy having regard to the National Planning Policy Framework and policies 1, 15, 18, 19 of the Adur Local Plan and the Adur Planning and Climate Change Checklist 2021.*

13. The guest accommodation hereby approved shall be occupied solely for purposes ancillary to the occupation and enjoyment of the property as a whole (as it exists at the date of this permission) as a single dwellinghouse and shall not be used as a separate dwelling.

    Reason: *In the interests of residential amenity having regard to policy 15 of the Adur Local Plan.*

14. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no part of the area identified on the approved first floor plan as sedum flat roof shall be converted into or used as a balcony or terrace nor shall any access be formed thereto other than for purposes of maintenance.

    Reason: *To prevent overlooking and to comply with policy 15 of the Adur Local Plan.*

15. The house shall not be occupied until the patio doors at first floor level at the front of the house have been replaced with fixed glazed panels and side opening lights with a restricted opening of 100mm, in accordance with the details shown on drawing no.A2-03 Rev. O received 26th April 2024, and they shall not subsequently be altered in any way.

    Reason: *To prevent access to the flat roof area and to prevent overlooking in accordance with policy 15 of the Adur Local Plan.*

16. Within one month of the date of this permission plans shall be submitted to the local planning authority for its written approval showing a reduction in the ground levels of the rear garden and an associated landscaping scheme, plus details of a retaining wall to the front garden boundary with No. 44 Brighton Road, to reduce the impact on the occupiers of No.44 Brighton Road to an acceptable level. The plans and scheme shall include a timetable for the implementation of the works. The works shall be carried out in accordance with the approved plans, scheme and timetable and completed prior to the occupation of the dwelling. Written notice must be given to the local planning authority to confirm that the garden works and landscaping have been completed in accordance with the approved plans, scheme and timetable prior to the occupation of the dwelling and the local planning authority must be permitted access to the development within 28 days of receipt of the written notice to check that the works have been completed in accordance with the approved plans. The dwelling is not to be occupied until the local planning authority has confirmed in writing that the garden works and landscaping have been completed in accordance with the approved plans, such confirmation to be provided within 14 days of the local planning authority's inspection of the development.

Reason: *In the interests of visual and residential amenity and to prevent overlooking in accordance with policy 15 of the Adur Local Plan.*

Informatives / Notes to Applicant

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Ref: AWDM/0970/23

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YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If the decision relates to a householder application or minor commercial application, and you want to appeal, then you must do so within 12 weeks of the date of this notice. If the decision relates to express consent for the display of an advertisement, then you must do so within 8 weeks of the date of this notice. If the decision relates to a non-householder application, an appeal must be lodged within 6 months of the date of the decision notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk.

3. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

4. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements to the provisions of any development order and to any directions given under a development order.

5. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990.

7. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.

Reduced time for making a planning appeal where enforcement action is being taken

Where an enforcement notice has been served on the same, or substantially the same, development as in the householder application within 2 years of the date the application was made, the period for receiving an appeal is within 28 days of the date on the decision notice or of the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA had to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 weeks deadline).